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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,828	04/12/2001	Michal Kahan	Q60535	1955

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EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 12/31/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary

Application No.

09/832,828

Applicant(s)

KAHAN ET AL.

Examiner

Sara Hanne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 11-17, 19-29, 31-45 and 47-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Tso et al., US Patent 6047327. Tso et al. teaches a method, apparatus, and executable program for aggregating information to be sent to a terminal as seen hereafter.

As in Claims 1, 14 and 19, Tso et al. teaches receiving a data item(s) from a provider (Figure 5, Block 101) and selecting an item from the item(s) according to the subscriber profile to be formatted according to the profile (Figure 5, Block 103-105).

As in Claim 34, Tso et al. teaches a database server containing provisioning profiles for the terminal subscribers (Column 4, lines 38-42), a control server that receives a data item(s) from an outside application (Figure 5, Block 101) and formats one of the item(s) according to the subscriber profile from the database server (Figure 5, Block 103) for display on the terminal (Figure 5, Block 109), and a web server that transmits the item to the terminal (Figure 5, Block 107) and transfers a command from the terminal to the control server (Figure 5, Blocks 111-113).

As in Claim 47, Tso et al. teaches a subscriber database containing provisioning profiles for the terminal subscribers (Column 4, lines 38-42), an applications interface processor (ODBC API 59 of server A 17) that receives a data item(s) from an outside application (Figure 5, Block 101) and formats one of the item(s) according to the subscriber profile from the database server (Figure 5, Block 103) for transmission to the terminal (Figure 5, Block 109), and a web server that provides access to the formatted data item (network B 21) and a control processor (61) connected to the application interface processor, the subscriber database (53) and the web server (Content Providers and Network A).

As in Claims 35 and 48, Tso et al. teaches an operator platform for accessing the subscriber's profile ("subscriber database 53, and server resource database 55 are accessed through the use of ODBC API 59", Column 6, lines 38-39).

As in Claims 36 and 49, Tso et al. teaches a wireless gateway connected to the web server (it is common to one of ordinary skill in the art for a web server to be connected to a wireless gateway as suggested in column 16, line 47 with the InfoCast servers).

As in Claims 21 and 37, Tso et al. teaches the wireless gateway to receive a command from the terminal (Figure 5, Block 111).

As in Claims 3, 9, 16, 22, 29 and 38, Tso et al. further teaches updating the subscriber profile as in Claims 2, 15 and 20 by transmitting this command to the control server to associate a presentation rule with one of the data items ("if the user performs an InfoAction, such as requesting greater detail of the traffic condition for a particular

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freeway, then operation in FIG. 5 will continue with block 113", Column 15, lines 5-8), with the wireless gateway as in Claim 38 and using a controller as in Claim 22.

As in Claims 4 and 23, Tso et al. claims the control server storing the updated profile in a subscriber database and further in reference to Claim 39, on the database server (Figure 5, Blocks 113-115).

As in Claims 40 and 50, Tso et al. continues to claim a short message service center connected to the control server (Figure 2, Refs. 17 and 41).

As in Claims 5 and 24, Tso et al. teaches transmitting the terminal subscriber's profile to the content provider (Figure 6, Block 133) by the control server as in further reference to Claim 42.

As in Claims 6 and 25 Tso et al. teaches the provider to transmit the data item according to the profile information (Column 13, lines 35-58).

As in Claims 7 and 26, Tso et al. teaches the control server storing the received data item in a terminal subscriber's database (Figure 5, Block 107) by the control server as in further reference to Claim 43.

As in Claims 8, 17, 27-28, 44-45 and 52-53, Tso et al. teaches an application adapter (specifically 'application B') translating the received data item to comply with the application interface contract if it does not already (Column 24, Lines 18-33).

As in Claim 31, Tso et al. teaches the formatted data item to be transmitted to the to the receiving terminal, and furthermore by using a data communications protocol, as in Claim 11 and Tso et al. also teaches the terminal being either a mobile terminal, as in Claims 12 and 32, or a client terminal, as in Claim 13 and 33 (Column 17, lines 1-17).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 41 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al., US Patent 6047327. Tso et al. teaches all of the limitations of independent Claims 34 and 47 as seen above. Tso et al. fails to teach an IVR (Interactive voice response) server. However the examiner takes official notice that it is well known to one of ordinary skill in the art to use an IVR (Interactive voice response) server. One would have been motivated to make such a combination so that visually handicapped users or users that may not be able to use the keypad on a mobile phone could use the invention of Tso et al.

5. Claims 10, 18, 30, 46 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Tso et al., US Patent 6047327 in further view of Gerace, US Patent 5848396.

As in Claims 10, 18 and 30, Tso et al. teaches a mobile networking system that edits and sends data from the provider application according to user-updateable profiles as seen *supra*. While Tso et al. teaches such a system, they fail to show the generating of a terminal subscriber home page according to a presentation rule to be transmitted it

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to the web server as recited in the claims. Gerace teaches a networked system for data transmission according to user profiles similar to that of Tso et al.

In addition, Gerace further teaches a control server (ref 79) which generates a subscriber home page according to a user's presentation rule in the profile ("The system then generates a custom Home Page, including a user's preferred (content and presentation) aggregate information.", Column 4, lines 23-25).

It would have been obvious to one of ordinary skill in the art, having the teachings of Tso et al. and Gerace before him at the time the invention was made, to modify the mobile system taught by Tso et al. to include the home page generation according to user defined performance rules of Gerace, in order to obtain a user-defined automatic dynamic homepage for a mobile system. One would have been motivated to make such a combination because a more personalized system for obtaining web information would have been obtained, as taught by Gerace.

As in Claims 46 and 54, Tso et al. teaches a mobile networking system that edits and sends data from the provider application according to user-updateable profiles as seen *supra*. Gerace teaches a networked system for data transmission according to user profiles that generates a Home Page according to user defined presentation rules. While Tso et al. and Gerace teach such a system for obtaining data items and generating a home page according to the user's profile and rules, they fail to show the sending of a terminal subscriber home page to the web server as recited in the claims.

It would be obvious to one of ordinary skill in the art, having the teachings of Tso et al. and Gerace before him at the time the invention was made, to transmit the Home

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Page to the web server. One would have been motivated to make such a combination in order to keep a global copy of the generated page if the user wished to access it from other devices on the same provider or to share the user's formatted page with other users.

6. Claims 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Tso et al., US Patent 6047327 in further view of Kaplan et al., US Patent 5446891.

Tso et al. teaches a mobile networking system that edits and sends data from the provider application according to user-updateable profiles as seen *supra*. While Tso et al. teaches such a system, they fail to show the ordering of the data items to be presented on the terminal screen according to the edited profile as recited in the claims. Kaplan et al. teaches a networked system for data transmission according to user profiles similar to that of Tso et al. In addition, Kaplan further teaches a method and executable program for dynamically updating a data item(s) sent to a subscriber from a server and their ordering as seen hereafter. As in Claims 55 and 57, Kaplan et al. teaches selecting a data item, editing it's profile and sending that profile to the server (Figure 7). As in Claim 56, Kaplan et al. teaches ordering the data items to be presented on the terminal screen according to the edited profile (Figure 7).

It would have been obvious to one of ordinary skill in the art, having the teachings of Tso et al. and Kaplan et al. before him at the time the invention was made, to modify the mobile system taught by Tso et al. to include the profile editing of data items used to change the order of their display of Kaplan et al., in order to obtain a

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adaptable display for a mobile Internet browser. One would have been motivated to make such a combination because an ordering system for data items would have been obtained, as taught by Kaplan et al.

Conclusion

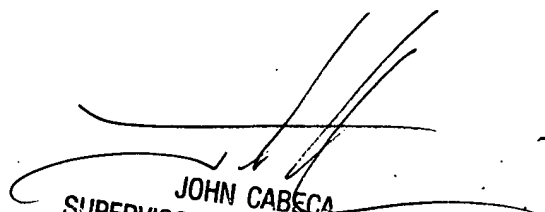
7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar data communications networks according to user profiles.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Hanne whose telephone number is (703)305-0703. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (703)308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703)305-9731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

smh


JOHN CABECA
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